

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Reginald Evans,)	
)	
Plaintiff,)	Civil Action No. 1:15-4953-RMG
)	
vs.)	
)	
Carolyn W. Colvin, Acting Commissioner of Social Security,)	ORDER
)	
)	
Defendant.)	
)	
)	
_____)	

This Court, by order dated February 29, 2016, dismissed this *pro se* action because of Plaintiff's failure to exhaust administrative remedies. (Dkt. No. 18). On appeal, the United States Court of Appeals for the Fourth Circuit agreed with this Court's conclusion that it lacked subject-matter jurisdiction under 42 U.S.C. § 405 where a Social Security claimant had not exhausted his administrative remedies. *Evans v. Commissioner of Social Security*, No. 16-1392, 2016 WL 6575081 (4th Cir. 2016). The Fourth Circuit went on to rule, however, that the lower court should consider whether the "administrative process normally available is not accessible because the agency fails or refuses to act," which would provide a potential basis for a writ of mandamus. (*Id.* at 1). This Court's earlier order was vacated and remanded to consider this issue.


Based on the record before the Court, which is now exclusively made of filings by Plaintiff, the Court is unable to reliably ascertain the status of any administrative proceedings presently pending before the Social Security Administration and the history of any applications

by Plaintiff for Social Security Disability benefits. Therefore, in order to address Plaintiff's potential right to the issuance of mandamus, the Commissioner is directed to file a memorandum within fifteen days of this order addressing the following issues and providing the following documents:

1. Provide a copy of all applications for DIB and SSI filed by Plaintiff since 2010;
2. Set forth in detail all stages of the administrative processes which have been followed regarding each application for disability benefits of Plaintiff with the Social Security Administration since 2010 and provide documents supporting the same;
3. State with specificity the present status of each application for disability benefits; and
4. Describe in detail the circumstances, if any, in which the Social Security Administration asserts that Plaintiff's administrative or judicial appellate rights have languished because of an untimely appeal or any other reason.

Plaintiff may file a response to the Commissioner's filing within fifteen days of the Commissioner's submission if he contests the factual basis of any of the Commissioner's statements or documents and may file documents supporting his position.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
January 13, 2017